Notice of Non-Compliant Amendment 37 C.F.R. §1.121

Application Number: 10/679,416

Our Ref: Q77786 Art Unit: 2881

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application:

## **LISTING OF CLAIMS:**

- 1. (WITHDRAWN): A beam adjusting method comprising: applying a beam onto a beam adjusting sample as claimed in claim 7; and detecting the amount of beam passing through the beam adjusting sample; wherein the beam vertically scans the two edges.
- 2. (WITHDRAWN): The beam adjusting method according to claim 1, wherein the beam adjusting sample is defined by the two edges, and has a through hole penetrating in a thickness direction, and the beam has a scan direction changed over the through hole.
- 3. (WITHDRAWN): The beam adjusting method according to claim 1, wherein the two edges of the beam adjusting sample are two edges at the end portion of the beam adjusting sample, and the beam has the scan direction changed over the beam adjusting sample or outside the beam adjusting sample.
- 4. (WITHDRAWN): The beam adjusting method according to claim 1, wherein the beam is adjusted on the basis of an applied position of the beam and the amount of beam.

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5. (WITHDRAWN): The beam adjusting method according to claim 1, further comprising applying the beam onto a microstructure placed on the beam adjusting sample to adjust a beam applying direction.

- 6. (WITHDRAWN): The beam adjusting method according to claim 1, further comprising detecting the height position of the beam adjusting sample.
- 7. (CURRENTLY AMENDED) A beam adjusting sample including a flat surface being like a plate and has having at least two edges in which adjacent edges are orthogonal to each other as viewed from above the beam adjusting sample.
- 8. (ORIGINAL) The beam adjusting sample according to claim 7, wherein the beam adjusting sample is defined by the two edges, and has a through hole penetrating in a thickness direction.
- 9. (ORIGINAL) The beam adjusting sample according to claim 7, wherein the two edges are two edges at the beam adjusting sample end.
- 10. (CURRENTLY AMENDED): The beam adjusting sample according to claim  $6\underline{7}$ , wherein a microstructure is attached on the surface of the beam adjusting sample.